

REMARKS

The present date (October 7, 2003) is the issue date of U.S. Patent No. 6,629,888 entitled Hidden Image Game Piece (“the ‘888 Patent”). As this application is being filed on the issue date of the ‘888 Patent, it is believed to be entitled to “co-pending” status. As set forth hereinafter, the actual co-pendency with the application on which the ‘888 Patent is being issued is irrelevant, as the present application also claims co-pendency from another pending application which also derives from the same parent application(s) from which the application which is resulting in the issuance of the ‘888 Patent derives.

As will become obvious, the original, parent application, namely U.S. Ser. No. 09/081,795, now U.S. Patent No. 5,894,367 (“the ‘367 Patent”), named two joint inventors, namely Thomas L. Barnhart and Joel M. Brooks, who have gone their separate ways.

The undersigned is the attorney for Global Commerce Group, LLC, a Georgia limited liability company, and the owner, by assignment of all right, title, and interest, including the rights in any divisional and/or continuation application which derived from U.S. patent application Ser. No. 09/081,795 (*See, Assignment recorded at Reel 010332, Frame 0120*) and enclosed copy of Power of Attorney by Joel Brooks granted to the undersigned.

While the cover sheet of the ‘367 Patent states that Thomas L. Barnhart is the Assignee of the ‘367 Patent, Mr. Barnhart was merely a joint inventor, and was not the Assignee of the ‘367 Patent. In fact, the undersigned brought the foregoing to the attention of Christopher C. Campbell, Esq., the registered patent attorney (Reg. No.

37,291) who filed the Issue Fee Transmittal for the ‘367 Patent. At that time Mr. Campbell stated that the placement of Mr. Barnhart’s name as Assignee on the Issue Fee Transmittal Sheet was a “clerical error”. Nevertheless, and despite requests that he do so in order to correct the “clerical error” made in his office on a form which he signed to the Patent Office, Mr. Campbell apparently never filed any Certificate of Correction showing that Mr. Barnhart was not the assignee of the ‘367 Patent.

Instead, it appears that on January 11, 2000, Mr. Campbell filed what he called a “continuation” application on which the ‘888 Patent is issuing. Notably, all content of the ‘888 Patent was included in the originally filed parent application, namely Ser. No. 09/081,795. Accordingly, Ser. No. 09/480,656 (on which the ‘888 Patent issued) should have been referred to as a divisional application rather than as a continuation application (See, MPEP §201.06 which states that a “divisional” application is one which claims a different invention which was disclosed invention in the parent application, while MPEP §201.07 states that a “continuation” application is one which claims the same invention as the parent application). The invention claimed in Ser. No. 09/480,656 and set forth in the ‘888 Patent, was disclosed, but not claimed in Ser. No. 09/081,795, on which the ‘367 Patent was issued.

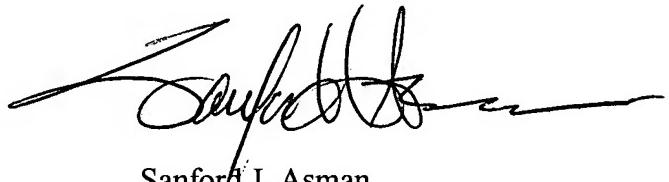
Accordingly, the ‘888 Patent was filed on an application (Ser. No. 09/480,656) with an incorrectly named inventive entity in that Joel Brooks, a named joint inventor in parent application, Ser. No. 09/081,795 was not named as a joint inventor, and the ‘888 Patent is defective in that it names only Thomas L. Barnhart as an inventor.

The present application, which is based upon co-pendency, as set forth on the attached amendment sheets, is intended to correct the errors made by Mr. Campbell in

the filing and prosecution of the '888 Patent. Notably, other than some minor changes, the claims set forth in the present Preliminary Amendment are identical to those being issued in the '888 Patent.

The filing of the present application is intended to result in the issuance of a patent having the same scope as the '888 Patent, but to the correct inventive entity.

Respectfully submitted,



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